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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/600,322	07/14/2000	KATSUHIKO HIRAMATSU	JEL31215	1555

7590

12/19/2002

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EXAMINER

LEI, TSULEUN R

ART UNIT

PAPER NUMBER

2684

DATE MAILED: 12/19/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/600,322

Applicant(s)

HIRAMATSU ET AL.

Examiner

T. Richard Lei

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: .

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

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2. Claims 1-7 are rejected under 35 U.S.C. 102(e) as being anticipated by Gilhousen (U.S. Patent 6,034,635).

Regarding Claim 1, Gilhousen teaches a base station apparatus comprising: receiving means for receiving information on a change of target quality of transmit power control broadcast to related base station apparatuses from a control station (Col.21, Lines 20-28; Col.24, Lines 20-28) that controls a plurality of base station apparatuses; and transmit power controlling means for changing the target quality of transmit power control based on said information and performing transmit power control over a communication terminal apparatus with the changed target quality (Fig.2 and Fig.2A, 240, increase power of MS transmissions).

Regarding Claim 2, Gilhousen teaches the base station apparatus according to claim 1, wherein the transmit power controlling means performs transmit power control over the communication terminal apparatus with the changed target quality during diversity handover (Fig.13).

Regarding Claim 3, Gilhousen teaches the base station apparatus according to claim 1, further comprising: estimating

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means for estimating the direction of arrival of signals from signals (Fig.5, 560; and Col.2, Lines 8-11) received from a plurality of antennas; and position detecting means for detecting the position of said communication terminal (Fig.5, 560; and Col.2, Lines 8-11) apparatus from an advance wave of the signal from the estimated direction of arrival.

Regarding Claim 4, Gilhousen teaches a base station apparatus comprising: notifying means for notifying a control station that controls base station apparatuses that diversity handover is taking place (Col.21, Lines 20-28; Col.24, Lines 20-28); and transmit power controlling means for performing transmit power control based on information on transmit power control whose target quality has been changed according to an instruction from said control station (Figs. 2 and 2A).

Regarding Claim 5, see Claim 1 for Gilhousen's teaching.

Regarding Claim 6, see Claim 2 for Gilhousen's teaching.

Regarding Claim 7, see Claims 1, 2 and 3 for Gilhousen's teaching.

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Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Frodigh et al (U.S. Patent 6,381,458) teaches a method for soft handoff control based on access network capacity.

Ziv et al (U.S. Patent 5,884,187) teaches a method for providing centralized power control administration for a set of base stations.

Kang et al (U.S. Patent 6,487,191) teaches a power control method with interference reduction during soft handoff in CDMA system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to T. Richard Lei whose telephone number is 703-305-4828. The examiner can normally be reached on 8:30 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dan Hunter can be reached on 703-308-6732. The fax phone numbers for the organization where this application or proceeding is assigned

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are 703-308-5403 for regular communications and 703-308-5403 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

TRL
TRL

December 3, 2002


WILLIAM CUMMING
PRIMARY EXAMINER
GROUP 2600